

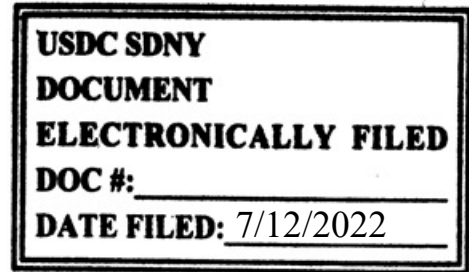
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July 12, 2022

Hon. Katharine H. Parker, U.S.M.J.  
U.S. Courthouse  
500 Pearl Street  
New York, New York 10007



**RE: Catahan vs. Eco Community**  
**S.D.N.Y. Case No. 1:20-cv-01749-AT-KHP**

Dear Judge Parker:

On behalf of Defendants, we respectfully request the Court to vacate the **ECF 114** order for the following reasons. The **ECF 114** order grants various forms of discovery relief to the Plaintiff.

On Thursday night, July 7, 2022, Plaintiff counsel contacted us to discuss a joint agreement regarding certain discovery matters. In no unclear terms, Plaintiff counsel asked me to get back to him "by Monday morning," or July 11, 2022. We attach copies of our emails, including those following Mr. Gurrieri's initial email of 5:32 PM: Mr. Gurrieri's reply at 6:46 PM gave me the reasonable impression that he would not file any application at least until after "Monday morning."

Unbeknownst to Mr. Gurrieri, I had developed full blown Covid-19 symptoms beginning Thursday night, July 7, 2022, through Monday night, July 11, 2022. Due to my symptoms and heavy medication, I was unable to perform any work during this time, did not retrieve or review emails, and only learned of the Court's **ECF 114** order this morning, along with Mr. Gurrieri's underlying application filed well before "Monday morning." My Covid-19 test results, "collected 07/06/22 10:21 AM" are enclosed for the Court's review.

Even if Mr. Gurrieri reasonably believes his application to be proper, Defendants had no opportunity to respond to his application. Whether or not Mr. Gurrieri seeks to abandon any discussions about the discovery relief sought, I respectfully request the Court to vacate the **ECF 114** order and allow Defendants until Friday 6:00 PM, July 15, 2020, to submit opposition.

**RE: Catahan vs. Eco Community**

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We thank the Court for Your Honor's consideration.

Respectfully,

/s/ Peter Y. Lee

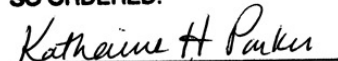
PETER Y. LEE

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cc: John M. Gurrieri, Esq.

Defendants' request to vacate the Court's order at ECF No. 114 is DENIED. By **July 15, 2022**, Defendants' shall file a letter via ECF (1) indicating whether they consent to Plaintiff's request to amend his complaint; and (2) clarifying their position regarding the allegedly deficient interrogatory responses identified by Plaintiff and whether any supplemental responses are required pursuant to the Federal Rules of Civil Procedure.

**SO ORDERED:**

  
HON. KATHARINE H. PARKER  
UNITED STATES MAGISTRATE JUDGE

7/12/2022